

PATENT COOPERATION TREATY

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PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 23 February 2001 (23.02.01)	
International application No. PCT/FI00/00544	Applicant's or agent's file reference 31927
International filing date (day/month/year) 16 June 2000 (16.06.00)	Priority date (day/month/year) 07 July 1999 (07.07.99)
Applicant SUOVANIEMI, Osmo et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

21 December 2000 (21.12.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer F. Baechler
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

25.01.2001

PARENT COOPERATION TREATY

WO 01/03835
PCT/FI00/00544

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NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

OY JALO ANT-WUORINEN AB
Iso Roobertinkatu 4-6 A
FIN-00120 Helsinki
FINLANDE

Date of mailing (day/month/year) 18 January 2001 (18.01.01)		IMPORTANT NOTICE	
Applicant's or agent's file reference 31927			
International application No. PCT/FI00/00544	International filing date (day/month/year) 16 June 2000 (16.06.00)	Priority date (day/month/year) 07 July 1999 (07.07.99)	
Applicant BIOHIT OYJ et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:

AG,AU,DZ,KP,KR,MZ,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AE,AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CN,CR,CU,CZ,DE,DK,DM,EA,EE,EP,ES,FI,GB,GD,
GE,GH,GM,HR,HU,ID,IL,IN,IS,JP,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,
NO,NZ,OA,PL,PT,RO,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 18 January 2001 (18.01.01) under No. WO 01/03835

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer J. Zahra Telephone No. (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

OY JALO ANT-WUORINEN AB
Iso Roobertinkatu 4-6 A
FIN-00120 Helsinki
FINLANDE

Date of mailing (day/month/year) 04 August 2000 (04.08.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 31927	
International application No. PCT/FI00/00544	International filing date (day/month/year) 16 June 2000 (16.06.00)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 07 July 1999 (07.07.99)
Applicant BIOHIT OYJ et al	

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
07 July 1999 (07.07.99)	991553	FI	07 July 2000 (07.07.00)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Marie-José Devillard

Telephone No. (41-22) 338.83.38

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 30 AUG 2001

WIPO PCT

Applicant's or agent's file reference 31927	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FI00/00544	International filing date (day/month/year) 16.06.2000	Priority date (day/month/year) 07.07.1999
International Patent Classification (IPC) or national classification and IPC B01L 3/02		
Applicant BIOHIT OYJ et al		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21.12.2000	Date of completion of this report 20.08.2001
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 08-667 72 88	Authorized officer Ulf Nyström/MP Telephone No. 08-782 25 00

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FI00/00544

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement) under article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheet/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2 (c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FI00/00544

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The following documents are cited in the International Search Report:

D1: US 5403553 A
D2: US 4999164 A
D3: US 4779467 A
D4: US 3991617 A
D5: US 5156811 A

Document D1 is cited as a category X document in the International Search Report. However, the pipette disclosed in D1 is different from the device and methods claimed in claims 1-10.

Firstly, according to the claimed invention, two parts are detached from the suction device: a barrier means (12) and a disposable tip (3). The disposable tip (3) corresponds to the jet container (6) in D1, but there is nothing in D1 corresponding to the barrier means (12) in the claimed invention. Furthermore, the parts detached from the pipette in D1 are the jet container (6) including a piston (7), and a cover (11), which cover has no corresponding part in the claimed suction device.

Moreover, although one could argue that the detachable piston (7) in D1 be interpreted as a barrier, the barrier means (12) according to claims 1 and 4 is attached to a cylinder (2) in the suction device which has no equivalence in the pipette in D1. When the inner volume of this cylinder (2) is changed by movement of a plunger fitted therein, a sample is sucked up into the disposable tip (3), which tip is not the same thing as the cylinder (2). However, the piston (7) in D1 is attached

.../...

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FI00/00544

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: V.

to a sleeve (3), and it is also attached to the jet container (6), which receives the sample. This is quite different from what is described in the preamble of claims 1 and 4. Therefore, the piston (7) in D1 does not correspond to the barrier means (12) according to the invention.

Thus, the pipette in D1 is not of the type referred to in the preamble of claims 1, 4 and 8, and the detachable parts in D1 does not correspond to the detachable parts in the invention claimed in claims 1-10.

Therefore, D1 and the other documents cited in the International Search Report represent the prior art. The claimed invention stated in claims 1-10 is not considered to be anticipated by these documents. None of the documents or any relevant combination of them reveal a suction device or a method in a suction device as described by these claims. According to the arguments stated above, the invention claimed in claims 1-10 is novel, considered to involve an inventive step and have industrial applicability.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/FI 00/00544

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: B01L 3/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: B01L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5403553 A (MAUNO HEINONEN), 4 April 1995 (04.04.95), column 2, line 46 - line 55; column 2, line 66 - column 3, line 12, abstract --	1-10
A	US 4999164 A (HERWIG PUCHINGER ET AL), 12 March 1991 (12.03.91), abstract --	1,4,8
A	US 4779467 A (KENNETH RAININ ET AL), 25 October 1988 (25.10.88), abstract --	7,10
A	US 3991617 A (ERIC J. H. MARTEAU D'AUTRY), 16 November 1976 (16.11.76), abstract --	1-10

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

27 October 2000

Date of mailing of the international search report

02-11-2000

Name and mailing address of the ISA/

Swedish Patent Office

Box 5055, S-102 42 STOCKHOLM

Facsimile No. +46 8 666 02 86

Authorized officer

Mats Raidla/MN

Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT

International application No.

PCT/FI 00/00544

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5156811 A (DAVID A. WHITE), 20 October 1992 (20.10.92), abstract -- -----	1-10

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.

PCT/FI 00/00544

US	5403553	A	04/04/95	AU	662216	B	24/08/95
				AU	3685593	A	14/10/93
				EP	0566042	A	20/10/93
				FI	91042	B,C	31/01/94
				FI	921647	D	00/00/00
				FI	931649	A	14/10/93
				JP	6007686	A	18/01/94

US	4999164	A	12/03/91	AT	73014	T	15/03/92
				DE	3635598	A,C	05/05/88
				DE	3777064	A	09/04/92
				EP	0264704	A,B	27/04/88
				JP	63185457	A	01/08/88

US	4779467	A	25/10/88	NONE			

US	3991617	A	16/11/76	DE	2545237	A,C	29/04/76
				FI	57538	B,C	30/05/80
				FI	752852	A	16/04/76
				FR	2287941	A,B	14/05/76
				GB	1522669	A	23/08/78
				US	RE32210	E	22/07/86

US	5156811	A	20/10/92	NONE			